

SA 523. Mr. FRIST (for Mr. BINGAMAN) proposed an amendment to the bill S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; as follows:

On page 3, strike lines 19 through 25 and insert "numbered NPS-80,079D and dated February 2003."

SA 524. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. DEPARTMENT OF HOMELAND SECURITY.

(a) DIRECTOR OF STATE AND LOCAL GOVERNMENT COORDINATION.—Section 801(a) of the Homeland Security Act of 2002 (Public Law 107-296) is amended to read as follows:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

"(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by the Director of State and Local Government Coordination, who shall be appointed by the President, by and with the advice and consent of the Senate."

(b) OFFICE FOR DOMESTIC PREPAREDNESS.—The Homeland Security Act of 2002 (Public Law 107-296) is amended—

(1) by redesignating section 430 as section 802 and transferring that section to the end of subtitle A of title VIII;

(2) in section 802, as redesignated by paragraph (1)—

(A) in subsection (a), by striking "the Directorate of Border and Transportation Security" and inserting "the Office for State and Local Government Coordination";

(B) in subsection (b), by striking "who shall be appointed by the President" and all that follows and inserting "who shall report directly to the Director of State and Local Government Coordination."; and

(C) in subsection (c)(7)—

(i) by striking "other" and inserting "the"; and

(ii) by striking "consistent with the mission and functions of the Directorate".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Thursday, April 3, 2003. The purpose of this hearing will be to review the reauthorization of child nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 10 a.m., to conduct an oversight hearing on "The Federal Reserve Board Proposal on Check Truncation."

The committee will also vote on the nominations of Mr. Alfred Plamann, of California, to be a member of the Board of Directors of the National Consumer Cooperative Bank; Mr. Thomas Waters Grant, of New York, to be a director of the Securities Investor Protection Corporation; Mr. Noe Hinojosa, Jr., of Texas, to be a director of the Securities Investor Protection Corporation; and Mr. William Robert Timken, Jr., of Ohio, to be a director of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 3, 2003, at 9:15 a.m., to hear testimony on the Purchasing Health Care Services in a Competitive Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003 at 10 a.m. to hold a hearing on Western Hemisphere Nominations.

Nominees: Mr. Lino Gutierrez to be Ambassador to Argentina; Mr. James Foley to be Ambassador to Haiti; and Mr. Roland W. Bullen to be Ambassador to Guyana.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 2:30 p.m., to hold a hearing on NATO enlargement.

Witnesses: Latvia, Lithuania, and Estonia—Dr. F. Stephen Larrabee, Senior Staff Member, RAND, Arlington, VA; Bulgaria and Romania—Mr. Janusz Bugajski, Director, Eastern Europe Project, Center for Strategic and International Studies, Washington, DC; and Slovakia and Slovenia—Dr. Jeff Simon, Senior Fellow, National Defense University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thurs-

day, April 3, 2003, at 9:30 a.m., in SD 226.

I. Nominations: Edward C. Prado to be U.S. Circuit Judge for the Fifth Circuit; Richard D. Bennett to be U.S. District Judge for the District of Maryland; Dee D. Drell to be U.S. District Judge for the Western District of Louisiana; J. Leon Holmes to be U.S. District Judge for the Eastern District of Arkansas; Susan G. Braden to be Judge for the Court of Federal Claims; Charles F. Lettow to be Judge for the Court of Federal Claims; Raul David Bejarano to be U.S. Marshall for the Southern District of California; and Allen Garber to be U.S. Marshall for the District of Minnesota.

II. Bills: S. 274 Class Action Fairness Act of 2003 and S. 731 Secure Authentication Feature and Enhanced Identification Defense Act of 2003 ("SAFE ID Act").

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 2:30 p.m., in open session to receive testimony on Navy, Marine Corps, and Air Force aviation and air-launched weapons programs, in review of the Defense authorization request for fiscal year 2004 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Jason Matthews of my staff be allowed on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 5 p.m., on Monday, April 7, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 78, Cormac Carney, to be U.S. District Judge for the Central District of California; I further ask consent that following that vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 476

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to Calendar

No. 22, S. 476, the CARE Act, and it be considered under the following limitation: there be 4 hours of general debate, equally divided in the usual form; provided that the only amendments in order be the following: a managers' amendment, which will be at the desk; a Nickles amendment, conservation; provided further, that there be 30 minutes of debate on the amendments, equally divided in the usual form. I further ask consent that following the disposition of the above amendments, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, as amended, with no intervening action or debate. I finally ask consent that no points of order be waived by virtue of this agreement, and that following passage of the bill, it be held at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving my right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. If the majority leader would respond, we had the opportunity to talk about this particular piece of legislation. Senator SANTORUM has taken out elements of the legislation that do not apply to the tax rules. And we discussed, and I think reached an understanding, that those charitable choice items that would pose significant issues with respect to church and state have been eliminated from the underlying bill.

The bill we will consider is from the Finance Committee with simple tax provisions. And I know that Senator SANTORUM has indicated he would use his efforts, and your efforts presumably, in the conference to prevent the addition of those elements to which we have objected.

And I would assume that despite your best efforts, if such elements were included within the bill when it came back in the form of a conference report, this Senate would not take up such a conference report. Is that a fair understanding?

Mr. FRIST. Mr. President, the Senator from Rhode Island is correct in the nature of the discussion between the Senator from Pennsylvania, myself, and the Senator from Rhode Island.

Mr. REED. Further reserving my right to object, I notice that in the managers' amendment there is language with respect to the Compassionate Capital Fund, which is not a tax-financed provision. It essentially is authorizing a program that was begun in the appropriations bill a few years ago.

Questions have been raised with the use of these funds, et cetera. I wonder, in order to expedite this, if that particular provision of the managers' amendment could be either deleted or it could be placed in a position where a possible amendment could be raised.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, what I would prefer to do is refer that question to the manager of the bill because I am not familiar with that aspect of it. That will be Mr. SANTORUM, the Senator from Pennsylvania.

Mr. REED. Mr. President, again, I am also operating on some knowledge, but not complete knowledge, of why this provision is in the managers' amendment. I am prepared to accept the underlying agreement; I just have this one question which I find, at this point, important with respect to this Compassionate Capital Fund.

But as far as your assertions, which I appreciate, and the underlying legislation, I have no problem with this consent; it is just that one point about the managers' amendment.

I don't know what you would like to do to try to resolve that, though.

Mr. FRIST. Mr. President, I am not in a position now to withdraw that amendment at this juncture. I am simply not familiar enough with it. I understand there was an agreement that it be there as part of it. I think we can continue the discussion on Monday when we are back in. But right now, I am not in a position to withdraw that.

Mr. REID. If the Senator would yield.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could direct a question to the Senator from Rhode Island: Is this the understanding the Senator had with the Senator from Pennsylvania?

Mr. REED. The understanding I had with the Senator from Pennsylvania, to be fair and accurate, did not reach the contents of the managers' amendment. It was my impression that the managers' amendment would simply be tax amendments with respect to the Internal Revenue Code and the jurisdiction of the Finance Committee.

I am a bit surprised, frankly, coming this evening and seeing something that is not within the traditional scope of the Finance Committee. Perhaps I might be wrong. This is something I didn't expect, but I must be very fair and accurate that this was not an issue we even discussed.

My presumption was that all the amendments would be strictly related to tax provisions and not to this Compassionate Capital Fund. I must say, I understand that the funds have been appropriated under the context of this Compassionate Capital Fund. This is an attempt to provide legislative language. I have not had a chance to look at the language. It is included within a managers' amendment without any opportunity to amend the managers' amendment. I am in an awkward position.

Mr. REID. Mr. President, if I could make a suggestion: If we could modify the leader's request that there be a motion to strike in order if the Senator from Pennsylvania can't work this out with the Senator from Rhode Island, this one provision.

Mr. FRIST. Mr. President, we can check on that. It is my understanding

that this has been available to the other side, that this had been agreed to. If not, at this juncture I am just not in a position to agree to a motion to strike.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. REED. Mr. President, once again, reserving my right to object, I think both the majority leader and the Senator from Pennsylvania have been operating completely in good faith, have made sincere efforts to respond to our concerns. At this juncture, I would hope we could work out, through an amendment to the consent, a provision at least to give us the opportunity to look at it. I, frankly, having just seen this, this evening, I don't know if this simply codifies what is already operating and is, in a sense, innocuous or something more. It is not my intention to try at this point to upset the agreement because I think it was reached after much effort on both sides. It is a good-faith agreement.

I wonder if there is some way we can maintain the opportunity to look at this, agree to the consent this evening, look at it, and if it is something highly objectionable, at least have the opportunity to strike.

I think the suggestion by the Senator from Nevada is a good one. Frankly, I must say I am not prepared at this moment to offer a conclusion as to whether this should be here or not. I am just surprised that a nontax item is included in the managers' amendment along with others that are relatively noncontroversial.

Mr. REID. I apologize to the leader. If I could make a suggestion, I know how deeply the Senator from Pennsylvania feels about this legislation. I am confident he wouldn't do anything that was untoward purposely. So I hope the Senator from Rhode Island will accept this agreement, and we will work with Senator SANTORUM to see if something can be done. I will personally work with Senator SANTORUM to see if he would allow us a motion to strike, but that is not part of this deal.

Mr. REED. If I may reclaim my time, again, both the leader and the Senator have been extremely cooperative and helpful in trying to reach this point. I understand that once this legislation is passed by the Senate, it will be placed on the desk, and there are procedural opportunities there, I believe, to try to address this at least to somehow get an opportunity to look at this measure. Also with the opportunity to look at this over the course of the next few days, my apprehensions might be misplaced and we can proceed forward. But I think, again, the intention and the understanding we had have been met. I am just surprised about the inclusion of this particular position in something like a technical managers' amendment. Given the commitment the majority leader has made, certainly, about the overall status of this legislation, should it return from the other body,

then I would not object to the consent at this time.

Hopefully, over the next few days we will learn a little bit more about this compassionate fund and perhaps even deal with it if it is a problem on Monday.

Mr. FRIST. Mr. President, my response is that we will work in good faith with the Senator from Rhode Island as well as the assistant Democratic leader. I hesitate at this juncture to speak on behalf of the Senator from Pennsylvania. Again, we are committed on both sides to working in good faith. We have been able to do that to date. So I would ask once again for the unanimous consent as propounded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 151 to amend title 18, United States Code, with respect to the sexual exploitation of children.

There being no objection, the Presiding Officer (Mr. TALENT) laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 151) entitled "An Act to amend title 18, United States Code, with respect to the sexual exploitation of children", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Mr. Sensenbrenner, Mr. Coble, Mr. Smith of Texas, Mr. Green of Wisconsin, Ms. Hart, Mr. Conyers, and Mr. Scott.

For consideration of the Senate bill and House amendments, and modifications committed to conference: Mr. Frost.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and request a conference, and the Chair be authorized to appoint conferees, with the ratio of 4 to 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. TALENT) appointed Mr. HATCH, Mr. GRASSLEY, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. KENNEDY, and Mr. BIDEN conferees on the part of the Senate.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

Mr. FRIST. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reau-

thorize programs under that Act, and for other purposes.

The Presiding Officer laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 342) entitled "An Act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Keeping Children and Families Safe Act of 2003".

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.

Sec. 112. Research and assistance activities and demonstrations.

Sec. 113. Grants to States and public or private agencies and organizations.

Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.

Sec. 115. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.

Sec. 116. Miscellaneous requirements relating to assistance.

Sec. 117. Authorization of appropriations.

Sec. 118. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.

Sec. 122. Eligibility.

Sec. 123. Amount of grant.

Sec. 124. Existing grants.

Sec. 125. Application.

Sec. 126. Local program requirements.

Sec. 127. Performance measures.

Sec. 128. National network for community-based family resource programs.

Sec. 129. Definitions.

Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.

Sec. 202. Information and services.

Sec. 203. Study of adoption placements.

Sec. 204. Studies on successful adoptions.

Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.

Sec. 302. Establishment of local programs.

Sec. 303. Evaluations, study, and reports by Secretary.

Sec. 304. Authorization of appropriations.

Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.

Sec. 402. Secretarial responsibilities.

Sec. 403. Evaluation.

Sec. 404. Information and technical assistance centers.

Sec. 405. Authorization of appropriations.

Sec. 406. Grants for State domestic violence coalitions.

Sec. 407. Evaluation and monitoring.

Sec. 408. Family member abuse information and documentation project.

Sec. 409. Model State leadership grants.

Sec. 410. National domestic violence hotline grant.

Sec. 411. Youth education and domestic violence.

Sec. 412. Demonstration grants for community initiatives.

Sec. 413. Transitional housing assistance.

Sec. 414. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking "close to 1,000,000" and inserting "approximately 900,000";

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

"(2)(A) more children suffer neglect than any other form of maltreatment; and

"(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

"(3)(A) child abuse can result in the death of a child;

"(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

"(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age";

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

"(4)(A) many of these children and their families fail to receive adequate protection and treatment;

"(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

"(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services";

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "organizations" and inserting "community-based organizations";

(B) in subparagraph (D), by striking "ensures" and all that follows through "knowledge," and inserting "recognizes the need for properly trained staff with the qualifications needed"; and

(C) in subparagraph (E), by inserting before the semicolon the following: "which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse";

(6) in paragraph (7) (as so redesignated), by striking "this national child and family emergency" and inserting "child abuse and neglect"; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking "intensive" and inserting "needed"; and

(B) by striking "if removal has taken place" and inserting "where appropriate".

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) *FUNCTIONS*.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking "all programs," and all that follows through "neglect; and" and inserting "all effective programs, including private and community-based programs,